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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/166,488	10/05/1998	GREGORY F. BECK	36J.P164	9206

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EXAMINER

KING, JUSTIN

ART UNIT	PAPER NUMBER
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2181

DATE MAILED: 10/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/166,488

Applicant(s)

BECK ET AL.

Examiner

Justin I. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 9.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's representative Carole Quinn on September 23, 2002.

The application has been amended as follows: claims 20-23 are cancelled.

### ***Response to arguments***

2. Applicant's arguments filed 7/16/02 have been fully considered; the 102(b) rejection is withdrawn accordingly, but they are not persuasive to the 103 rejections.
3. The amended claims 4 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the link layer" and claim 7 recites the limitations "the link layer" and "the physical layer", which lack antecedent bases in these claims.

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4. Claims 1, 3, 10-11, 19, 24, and 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stancil in view of the IEEE Computer Society's article, "IEEE Standard 1394 - IEEE Standard for a High Performance Serial Bus" stated in the first office action.

Referring to claims 1, 11, 24, and 33-38: Stancil discloses a computer system with a CPU, two 1394 interfaces (column 3, line 7-13, column 7, 3<sup>rd</sup> paragraph), and a bus (column 4, 2<sup>nd</sup> paragraph). The IEEE Computer Society explicitly defines 1394's link layer, physical layer (page 22), and the data header/sub-header (page 144, figure 6-2, header quadlet and other header quadlets). The IEEE Computer Society teaches that the data header's spec and 1394's layers are well known in the computer art.

An "Official Notice" is taken on the following: Every system has to attach an internal header to every data packet transmitted on the motherboard's internal bus. This header declares the packet's destination, such that data packet can be correctly directed to any device on the bus, such as a particular 1394 controller or any other independent peripheral devices. Once the designated device receives the packet, it is the designated device's job to process the received data according to the associated instructions. In applicant's scenario, the system will attach an internal bus header, which is in addition to the 1394 header, to each 1394 packet. Based on this internal bus header, the system transmits the packets to the appropriate 1394 controller; and once the 1394 controller receives the packets, it will read the enclosed 1394 header and transmit the data packet to the appropriate 1394 device accordingly. Hence, it is said that the computer system with a 1394 device attaches an ID header other than a 1394 header.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to adapt or incorporate the IEEE standard into the system of Stancil to be conformed with industrial standards.

Referring to claim 3: The IEEE Computer Society discloses the definition of the data package's header on page 144. It teaches that the header's definition is well known in the computer technology. Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to adapt IEEE's header definitions onto Stancil to be conformed with industrial standard.

Referring to claims 10, 19, and 32: The PCI bus is well known and standard on every computer system at the time applicant made the invention, and the PCI bus does not hinder Stancil's intended functions. Therefore, one having ordinary skill in the art at time the applicant made the invention would have been motivated to adapt PCI bus onto the Stancil in order to conform to industrial standard.

5. Claims 2, 4-7, 9, 12, 13-16, 18, 25-29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stancil in view of the IEEE Computer Society, and in further view of Alan Wetzel's article IEEE 1394 - The Cable Connection to Complete The Digital Revolution, July 7, 1997 as stated in the first office action.

Referring to claims 2, 12, and 25: The Stancil discloses a system with two 1394 interfaces connecting to two separate 1394 devices. Wetzel teaches a system connecting to a digital camera via a 1394 interface. Hence, it would have been obvious to one having ordinary skill in the art at the time applicant made the invention to adapt the 1394 digital camera into the

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system of Stancil because the 1394 can isochronously transmit video data; it would also have been obvious to one to adapt two digital cameras into the system of Stancil because each camera can transmit and receive video data separately.

Referring to claims 4, 13, and 26: The IEEE Computer Society (page 144) discloses the data package's header and CRC information, and the transmission of the data package. It teaches that it is known to pack and transmit data among different 1394 devices and other peripheral devices. Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant made the invention to connect a digital camera to a system and transmit digital video data via the 1394 bus because of 1394's isochronously data transfer capability.

Referring to claims 5-7, 9, 14-16, 18, 27-29, and 31: Wetzel teaches that it is known to place the system with 1394 interfaces into a network environment at the time applicant made the invention, and the network connection will not hinder Stancil's intended functions. Hence, it would have been obvious to one having ordinary skill in the art to adapt a network connection into the system of Stancil because it enables Stancil to transmit and receive data via a network.

6. Claims 8, 17, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stancil in view of the IEEE Computer Society, further in view of Wetzel, and further in view of Mayercheck as stated in the first office action.

Mayercheck teaches in column 5, lines 65-68, that it is known to adapt a video monitor for displaying either digital data or analog data from a camera. Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant made the invention to adapt the monitor because the monitor provides an enhanced visual display.

7. Claims 10, 19, 23, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stancil in view of the IEEE Computer Society, and further in view of Stanley as stated in the first office action.

Stanley teaches a system with two sequentially connected 1394 interfaces and a PCI bus. Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant made the invention to adapt the PCI bus into the system of Stancil because it enables 1394 device to communicated with any industrial standard PCI device.

8. In response to the applicant's argument on the lack of the teaching the "*transmitting and receiving data formatted in IEEE 1394 standard between devices using a same broadcast channel*": Although applicant tries to claim the devices running on the same broadcast channel on one bus, they actually run on two separate 1394 buses (application's figure 2, structures 2 and 6). Each 1394 controller manages the domain of its own data channels; therefore, 2 devices won't conflict each other if they are running the same channel on separate 1394 buses. The cited prior arts do not explicitly declare the duplication of 1394 controller because it is well known and a common practice to add additional control card for additional peripheral devices. In addition, the court has been held that mere duplication of the essential working parts involves only routine skill in the art (St. Regis Paper Co. v. Bemis Co., 193 USPQ 8).

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

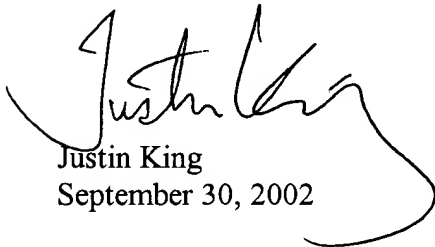


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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin I. King whose telephone number is 703-305-4571. The examiner can normally be reached on Monday through Friday, 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Wong can be reached on 703-305-3477. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5631.



Justin King  
September 30, 2002



SUMATI LEFKOWITZ  
PRIMARY EXAMINER